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July 27, 2021

Via ECF

Hon. Sarah Netburn
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *429-441 86th Street LLC v. Town Sports International Holdings, Inc.*,
S.D.N.Y. Case No. 21-cv-01356 (ALC)(SN)

Dear Judge Netburn:

Plaintiff 429-441 86th Street, LLC ("Plaintiff"), through its undersigned counsel, Wachtel Missry LLP, and Defendant Town Sports International Holdings, Inc. ("Defendant"), through its undersigned counsel, Akerman LLP, respectfully submit this joint letter with respect to the status of discovery in accordance with the Court's Civil Case Management Plan and Scheduling Order dated May 28, 2021 (ECF Doc. 37).

The status of discovery presently outstanding is summarized below. In sum, the parties are actively engaged in document discovery at this time and have identified target dates for their respective party depositions to take place promptly thereafter. At present, the parties are not seeking an extension of the current deadline to complete fact discovery by September 24, 2021.

Initial Disclosures. Plaintiff and Defendant have exchanged initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A). Defendant has agreed to supplement its initial disclosures with additional information describing the locations and categories of information maintained on file systems and any custodians of relevant ESI, which Plaintiff presently awaits.

Document Requests. Plaintiff and Defendant have exchanged initial document demands, including demands for ESI. Plaintiff served written responses and objections on July 6 and produced responsive documents on July 26, 2021. Plaintiff will produce additional documents on a rolling basis and anticipates completing such production by no later than August 10, 2021. Defendant's responses to Plaintiff's initial document requests are presently returnable on or before August 16, 2021.

Party Depositions. Plaintiff and Defendant have noticed party depositions. Defendant seeks to depose Plaintiff's representative on a date not less than two weeks after Plaintiff's document production is complete. Plaintiff has agreed to accommodate Defendant's request subject to availability of the witness and counsel. Thereafter, Plaintiff will depose Defendant's

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representative on September 2, 2021 as set forth in Plaintiff's notice, or such other date as the parties may mutually agree.

Respectfully submitted,

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